

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIBEL AYALA, NICOLE A. PACHECO,
DOMENICA L. O'NEILL, MICHAEL
C. ESTRADA, RICHARD A. GUZMAN,
MICHAEL K. GUEVARA, CESAR
CASTILLO, MAUMER KLLAPIJA,
JASON GONZALEZ, and CRISTIAN
SALAZAR,

Plaintiffs,

-against-

CITY OF YONKERS, New York,

Defendant.

07 Civ. 8186 (CLB)

**AFFIRMATION IN
SUPPORT OF MOTION
FOR SUMMARY
JUDGMENT**

JONATHAN LOVETT, an attorney duly admitted to practice before this Court
hereby affirms under penalty of perjury that the following statement is true:

1. I am counsel to the Plaintiffs in this action and represent each of the Plaintiffs
in Yonkers City Court where they are charged with violating Yonkers Code Section 100-
35 for distributing copies of The Westchester Guardian on public property within the City
of Yonkers.

2. Annexed hereto as Exhibit 1 is the complaint.

3. Annexed hereto as Exhibit 2 is the docket sheet in this action, indicating a
filing date of September 19, 2007.

4. Annexed hereto as Exhibit 3 are true copies of the criminal informations by
reason of which the Plaintiffs have been respectively charged with violating Section

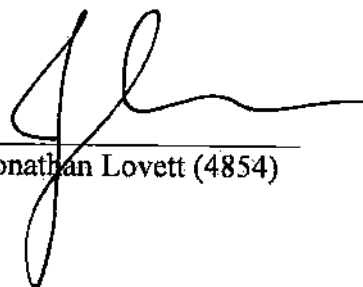
100-35: People v. Ayala, CO-110927; People v. Pacheco, CO-055498; People v. O'Neill, CO-110929; People v. O'Neill, CO-046066; People v. Estrada, CO-046062; People v. Guzman, CO-0460663; People v. Guzman, CO-055497; People v. Guevara, CO-046061; People v. Castillo, CO-110926; People v. Killapija, CO-104273; and People v. Salazar, CO-90605.

5. Annexed hereto as Exhibit 4 is a copy of Section 100-35 of the Yonkers City Code.

6. For the reasons set forth in the accompanying memorandum of law summary judgment should be granted.

WHEREFORE a judgment and order is respectfully requested: declaring Section 100-35 unconstitutional on its face and as applied; permanently enjoining the City of Yonkers from enforcing that Code Section against Plaintiffs; awarding reasonable attorney's, costs and such other relief as to the Court seems just and proper.

Dated: White Plains, N.Y.
October 5, 2007



Jonathan Lovett (4854)

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

MARIBEL AYALA, NICOLE A. PACHECO,
DOMENICA L. O'NEILL, MICHAEL
C. ESTRADA, RICHARD A. GUZMAN,
MICHAEL K. GUEVARA, CESAR
CASTILLO, MAUMER KLLAPIJA,
JASON GONZALEZ, and CRISTIAN
SALAZAR,

07 Civ (CIV. 8186

Plaintiffs,

COMPLAINT

-against-

FILED
U.S. DISTRICT COURT
2007 SEP 19 P 1:53
S.D. OF N.Y. W.P.

CITY OF YONKERS, New York,

Defendant.

Plaintiffs MARIBEL AYALA, NICOLE A. PACHECO, DOMENICA L.
O'NEILL, MICHAEL C. ESTRADA, RICHARD A. GUZMAN, MICHAEL K.
GUEVARA, CESAR CASTILLO, MAUMER KLLAPIJA, JASON GONZALEZ and
CRISTIAN SALAZAR, by their attorneys Lovett & Gould, LLP, respectfully state:

NATURE OF THE ACTION

1. This is an action for declaratory and injunctive relief proximately resulting from Defendant's application to Plaintiffs of a certain provision of the Yonkers' City Code which, on its face and as applied, violates of Plaintiffs' rights as guaranteed by the First Amendment to the United States Constitution, 42 U.S.C. §1983.

JURISDICTION

2. The Court's jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

THE PARTIES

3. Plaintiffs MARIBEL AYALA, NICOLE A. PACHECO, DOMENICA L. O'NEILL, MICHAEL C. ESTRADA, RICHARD A. GUZMAN, MICHAEL K. GUEVARA, CESAR CASTILLO; MAUMER KLLAPIJA, JASON GONZALEZ and CRISTIAN SALAZAR are citizens of the United States, domiciliaries of the State of New York, and residents of the Northern Counties. At all times relevant to this complaint each Plaintiff was employed by The Guardian News, Inc., a New York domestic business corporation having its principal office for the conduct of business at 251 North Avenue, New Rochelle, New York. On a weekly basis the corporation publishes and disseminates a free newspaper known as "The Westchester Guardian" (hereinafter "Guardian"). That publication focuses on and reports about amongst other things municipal corporate corruption in the incumbent administration of the City of Yonkers.

4. Defendant CITY OF YONKERS, New York (hereinafter "City") is a municipal corporate subdivision of the State of New York duly existing by reason of and pursuant to the laws of said State.

THE FACTS

5. During the months of July and August of 2007 Plaintiffs non-disruptively distributed and/or attempted to distribute on public property in the City various editions of the Guardian - - each one of which contained editorials and/or reports critical of either the incumbent Mayor of the City and/or the City's Police Department.

6. As a result numerous police officers employed by the City charged Plaintiffs with violating Section 100-35 of the City's Code which in relevant part provides, without any time, place and/or manner limitations whatsoever:

"No person shall distribute, hand out or cast about any card, circular, pamphlet or printed matter within any park or upon any public place."

AS AND FOR A CAUSE OF ACTION

7. Repeat and reallege as if fully set forth the allegations of fact contained in paragraphs "1" to "6", inclusive.

8. Code Section 100-35 on its face and as applied to Plaintiffs violate their rights as guaranteed by the First Amendment to the United States Constitution, 42 U.S.C. §1983.

WHEREFORE a judgment is respectfully requested:

- a. Declaring unconstitutional on its face and as applied the referenced Code section,
- b. Permanently enjoining the City from applying, with respect to Plaintiffs' non-disruptive distribution of the Guardian within the City the subject Code section,

- c. Awarding costs and reasonable attorney's fees, and,
- d. Granting such other and further relief as to the Court seems just and proper.

Dated: White Plains, N.Y.
September 18, 2007


LOVETT & GOULD, LLP

By: _____

Jonathan Lovett (4854)

Attorneys for Plaintiff

222 Bloomingdale Road

White Plains, New York 10605

914-428-8401

EXHIBIT 2

ECF, RELATED

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:07-cv-08186-CLB

Ayala et al v. City of Yonkers, New York
Assigned to: Judge Charles L. Brieant
Related Case: 7:07-cv-02862-CLB
Cause: 42:1983 Civil Rights Act

Date Filed: 09/19/2007
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Maribel Ayala

represented by **Jonathan Lovett**
Lovett & Gould
222 Bloomingdale Road - Suite 305
White Plains, NY 10605
(914) 428-8401
Fax: (914) 428-8916
Email: jlovett@lovett-gould.com
ATTORNEY TO BE NOTICED

Plaintiff

Nicole E. Pacheco

represented by **Jonathan Lovett**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Dominica L. O'Neill

represented by **Jonathan Lovett**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Michael C. Estrada

represented by **Jonathan Lovett**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Richard A. Guzman

represented by **Jonathan Lovett**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Michael K. Guevara

represented by **Jonathan Lovett**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Cesar Castillo

represented by **Jonathan Lovett**

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Maurer Killapja

represented by **Jonathan Lovett**
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jason Gonzalez

represented by **Jonathan Lovett**
 (See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Cristian Salazar

represented by **Jonathan Lovett**
 (See above for address)
ATTORNEY TO BE NOTICED

V,

Defendant

City of Yonkers, New York

Date Filed	#	Docket Text
09/19/2007	<u>1</u>	COMPLAINT against City of Yonkers, New York. (Filing Fee \$ 350.00, Receipt Number 624566) Document filed by Jason Gonzalez, Cristian Salazar, Maribel Ayala, Nicole E. Pacheco, Dominica L. O'Neill, Michael C. Estrada, Richard A. Guzman, Michael K. Guevara, Cesar Castillo, Maurer Killapja.(jma) (Entered: 09/20/2007)
09/19/2007		SUMMONS ISSUED as to City of Yonkers, New York. (jma) (Entered: 09/20/2007)
09/19/2007		Case Designated ECF. (jma) (Entered: 09/20/2007)
09/19/2007		CASE REFERRED TO Judge Charles L. Brieant as possibly Related to 7:07-cv-2862. (jma) (Entered: 09/20/2007)
09/21/2007		CASE ACCEPTED AS RELATED. Create association to 7:07-cv-02862-CLB. Notice of Assignment to follow. (jma) (Entered: 09/24/2007)
09/21/2007	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge Charles L. Brieant. Judge Unassigned is no longer assigned to the case. (jma) (Entered: 09/24/2007)
09/21/2007		Magistrate Judge George A. Yanthis is so designated. (jma) (Entered: 09/24/2007)
09/27/2007	<u>3</u>	AFFIDAVIT OF SERVICE. City of Yonkers, New York served on

9/24/2007, answer due 10/15/2007. Service was accepted by Nicole Greco, Clerk. Document filed by Maribel Ayala. (Lovett, Jonathan) (Entered: 09/27/2007)

PACER Service Center			
Transaction Receipt			
10/09/2007 06:39:38			
PACER Login:	lg0085	Client Code:	
Description:	Docket Report	Search Criteria:	7:07-cv-08186-CLB
Billable Pages:	2	Cost:	0.16

EXHIBIT 3



CITY OF YONKERS **CO-110927**
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

Name Last	First	MI	DOB
AYALA	MARIBEL		8/14/79

Street Address
102 CORPUS ST

City	State	Zip
HARRISON	N.Y.	10320

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense 5/11/07 Time 2:10 AM-PM
Place of Occurrence 40 S BROADWAY

In Violation of Chapter: 100 Section: 35
of the CITY CODE of YONKERS.
Description VIOLATING AND
ALL DISTRIBUTION
OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

VIOLATING AND
ALL DISTRIBUTION
VIOLATING AND
ALL DISTRIBUTION
VIOLATING AND
ALL DISTRIBUTION

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 5/11/07 Print Name: Det. [Signature]

Signature of Complainant: [Signature]

Title: [Signature] Badge # 507 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance 16 day of Aug 2007 at 1 AM PM



CITY OF YONKERS **CO-05549**
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

Name Last	First	MI	DOB
Parsons	Nicole	A	09/14/59

Street Address
24 Roubin Lane

City	State	Zip
New Rochelle	NY	10801

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense 27/12/07 Time 10:30 AM-PM
Place of Occurrence 104 S BROADWAY

In Violation of Chapter: 100 Section: 35
of the CITY CODE of YONKERS.
Description VIOLATING AND
ALL DISTRIBUTION
OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

VIOLATING AND
ALL DISTRIBUTION
VIOLATING AND
ALL DISTRIBUTION

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 7/11/07 Print Name: Det. [Signature]

Signature of Complainant: [Signature]

Title: POLICE OFFICER Badge # 503 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance 16 day of Aug 2007 at 1 AM PM



CITY OF YONKERS

CO - 110923

COMPLAINT / INFORMATION

THE PEOPLE OF THE STATE OF NEW YORK

VS.

Name Last	First	MI	DOB
CRISTINO	LEON		1/17/99

Street Address
610 E 14th Ave

City	State	Zip
Yonkers	NY	10550

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	7/17/07	Time	1:30	AM	PM
Place of Occurrence	40 S Broadway				

In Violation of Chapter: 100 Section: 3
of the CITY CODE of YONKERS.
Description: RECEIVING + B.I.I.
IN PROSECUTION
OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

THE ABOVE INDICATED HANDLING
OUT PRINTED MATTER
WAS OF CITY HALL TO
PAROLA, ETC.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 7/17/07 Print Name: L. Leon CristinoSignature of Complainant: L. Leon CristinoTitle: Officer Badge # 477 Dept. Y.P.D.YOU MUST APPEAR AT CITY COURT OF YONKERS
CAGACE CENTER, 100 SOUTH BROADWAY, YONKERS, NYDate of Appearance 10 day of Aug 2007 at 1 AM PM

VIOLATOR'S COPY



CITY OF YONKERS

CO - 104273

COMPLAINT / INFORMATION

THE PEOPLE OF THE STATE OF NEW YORK

VS.

Name Last	First	MI	DOB
KILLAPITA	MAURICE		01/30/30

Street Address
3 SOUTHWEST PL 2

City	State	Zip
Yonkers	NY	10550

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	02/10/07	Time	3:30	AM	PM
Place of Occurrence	S. Broadway				

In Violation of Chapter: 1 Section: 3
of the CITY CODE of YONKERS.
Description: RECEIVING + B.I.I.
IN PROSECUTION
OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

THE ABOVE INDICATED HANDLING
OUT PRINTED MATTER
WAS OF CITY HALL TO
PAROLA, ETC.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 7/17/07 Print Name: L. Leon CristinoSignature of Complainant: L. Leon CristinoTitle: Officer Badge # 477 Dept. Y.P.D.YOU MUST APPEAR AT CITY COURT OF YONKERS
CAGACE CENTER, 100 SOUTH BROADWAY, YONKERS, NYDate of Appearance 10 day of Aug 2007 at 1 AM PM

VIOLATOR'S COPY



CITY OF YONKERS
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

CO-055497

Name Last	First	MI	DOB
Guzman, Richard A			04/18/79
Street Address			
205 North Avenue			
City		State	Zip
New Rochelle, NY			10801

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	07/31/07	Time	1230	AM/PM
Place of Occurrence	104 South Broadway			

In Violation of Chapter	100	Section	35
of the CITY CODE of YONKERS.			
Description	Alcohol consumption in public place		

OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

above defendant was observed to be drinking alcohol in public place (New Rochelle, NY) on 07/31/07 at 1230 PM.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 7/31/07 Print Name: [Signature]
Signature of Complainant: [Signature]
Title: POLICE OFFICER Badge # 503 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY
Date of Appearance 10 day of August 2007 at 10:00 AM PM



CITY OF YONKERS
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

CO046061

Name Last	First	MI	DOB
Guzman, Michael K			11-21-79
Street Address			
301 South Ave #2A			
City		State	Zip
New Rochelle, NY			10801
Relationship to Building			

In Violation of	Yonkers City Code	NYS Uniform Fire Code	Other	Description
Section 100-35	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	07/31/07	Time	1230	AM/PM
Place of Occurrence	104 South Broadway			
New Rochelle, NY 10801				
Other Information:				

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

the above defendant was observed to be drinking alcohol in public place (New Rochelle, NY) on 07/31/07 at 1230 PM.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 7/31/07 Print Name: [Signature]
Signature of Complainant: [Signature]
Title: POLICE OFFICER Badge # 873 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY
Date of Appearance 10 day of August 2007 at 10:00 AM PM
VIOLATOR'S COPY



CITY OF YONKERS
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK

CO046062

VS.

Name	Last	First	MI	DOB
ESTRADA	MICHAEL	C		4/16/59

Street Address
16 WILMOT STREET 2

City State Zip
NEW ROCKELLER NY 10581

Relationship to Building

In Violation of
Section 100-35 ☒ Yonkers City Code ☐ NYS Uniform Fire Code ☐ Other ☐ Description DISSEMINATING

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Date of Offense 8/6/07 Time 3:10 AM/PM

Place of Occurrence 40 S Broadway

Other Information:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

ABOVE MALE HANDING OUT
AND DISTRIBUTING NEWSPAPERS
(THE WESTCHSTER JOURNAL)
ON PUBLIC PROPERTY AND
PUBLIC PLACES

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 8/6/07 Print Name: PO Paul Wood

Signature of Complainant: [Signature]

Title: POLICE OFFICER Badge # 117 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS

CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY

Date of Appearance 20 day of 2007 20 at AM/PM

VIOLATOR'S COPY



CITY OF YONKERS
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK

CO046063

VS.

Name	Last	First	MI	DOB
BUZMAN	RICHARD	A		4/8/79

Street Address
205 NORTH AVE

City State Zip
NEW ROCKELLER NY 10581

Relationship to Building

In Violation of
Section 100-35 ☒ Yonkers City Code ☐ NYS Uniform Fire Code ☐ Other ☐ Description DISSEMINATING

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Date of Offense 8/6/07 Time 3:40 AM/PM

Place of Occurrence 40 S Broadway

Other Information:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

ABOVE MALE HANDING OUT
AND DISTRIBUTING NEWSPAPERS
(THE WESTCHSTER JOURNAL)
ON PUBLIC PROPERTY AND
PUBLIC PLACES

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 8/6/07 Print Name: PO Paul Wood

Signature of Complainant: [Signature]

Title: POLICE OFFICER Badge # 117 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS

CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY

Date of Appearance 20 day of 2007 20 at AM/PM

VIOLATOR'S COPY



CITY OF YONKERS **CO-110929**
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

Name Last First MI DOB
ONILL DOMINICK L 6/4/76

Street Address
102 CONGRESS STREET

City State Zip
HAIRLISON NY 10528

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense 5/11/07 Time 3:10 AM/PM
Place of Occurrence 40 S BROADWAY

In Violation of Chapter: 100 Section: 35
of the CITY CODE of YONKERS.
Description VIOLATING AND BILL
DISTRIBUTION

OTHER INFORMATION:

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

ABOUT 17:00 HOURS
OUT AND DISTRIBUTION
WASTEWATER ON PARK PROPERTY
AND PUBLIC PLACES.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 5/11/07 Print Name: RD Paul Wood

Signature of Complainant: RD Paul Wood

Title: 100 Badge # 100 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CACACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance 13 day of SEP 20 at 12 AM/PM

VIOLATOR'S COPY



CITY OF YONKERS **CO046066**
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

Name Last First MI DOB
ONILL DOMINICK L 6/4/76

Street Address
102 CONGRESS STREET

City State Zip
HAIRLISON NY 10528

Relationship to Building

In Violation of Yonkers City Code NYS Uniform Fire Code Other Description
Section 100-35 ☒ ☐ ☐ MISDEMEANOR

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense 5/16/07 Time 4:15 AM/PM
Place of Occurrence 40 S BROADWAY

Other Information: CITY HALL

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

ABOUT 17:00 HOURS
AND DISTRIBUTION
WASTEWATER ON PARK PROPERTY
AND PUBLIC PLACES.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 5/16/07 Print Name: RD Paul Wood

Signature of Complainant: RD Paul Wood

Title: POLICE OFFICER Badge # 100 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CACACE CENTER, 100 SOUTH BROADWAY YONKERS, NY
Date of Appearance 20 day of SEP 20 at 12 AM/PM

VIOLATOR'S COPY



CITY OF YONKERS
COMPLAINT / INFORMATION
THE PEOPLE OF THE STATE OF NEW YORK
VS.

CO-90605

Name Last	First	MI	DOB
SALAZAR	CRISTIAN		2.2.89

Street Address
356 WASHINGTON AVENUE

City	State	Zip
NEW ROCHELLE NY		10801

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS:

Date of Offense	08/07/07	Time	4:00	AM PM
Place of Occurrence	796 YONKERS AVENUE			

In Violation of Chapter:	100	Section:	35
of the CITY CODE of YONKERS.			
Description DISTRIBUTING NEWSPAPERS WITHOUT A PERMIT			
OTHER INFORMATION:			

DESCRIPTION OF OFFENSE

I have observed at the above time and place the following:

THE ABOVE DEFENDANT DISTRIBUTING
NEWSPAPERS WITHOUT A CITY
OF YONKERS PERMIT

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law. Affirmed under penalty of perjury.

Date: 08/09/07 Print Name: J. MOFFATT

Signature of Complainant: [Signature]

Title: PO Badge # 980 Dept. Y.P.D.

YOU MUST APPEAR AT CITY COURT OF YONKERS
CAGACE CENTER, 100 SOUTH BROADWAY, YONKERS, NY

Date of Appearance 13 day of SEP 2007 at 1 AM (PM)

VIOLATOR'S COPY

EXHIBIT 4

CODE OF THE CITY OF YONKERS, NEW YORK (updated 05-15-2007, Supplement No. 11)
PART IX, PUBLIC PROPERTY AND STREETS
Chapter 100, PARKS AND PUBLIC PLACES
ARTICLE V, Excursions and Picnics [Adopted 7-7-1959 as Ch. 14, G.O. No. 29-1959]
§ 100-26. Landing on unlicensed grounds.

§ 100-26. Landing on unlicensed grounds.

No steamboat or barge, while making an excursion of pleasure, shall, without a permit from the City Clerk, land any passenger within the city except upon the grounds of a person who shall have received a license from the City Clerk to keep grounds for the purpose of accommodating excursion and picnic parties.

§ 100-27. Issuance of permit; fee.

The City Clerk is hereby authorized to grant the permit required by § 100-26 of this article upon receiving payment of a sum of not less than \$35.

§§ 100-28 through 100-30. (Reserved)

ARTICLE VI, Newsstands and Concessions [Adopted 6-22-1920 as G.O. No. 3-1920]

§ 100-31. Stands or booths approved.

Permission is hereby given for the placing of temporary stands or booths, to be approved as to size and design by the Commissioner of Public Works, for the sale of newspapers, periodicals and refreshments (spirituous and malt liquors excepted) within the parks and other public places of the City of Yonkers at such locations as may be designated by the Commissioner of Public Works.

§ 100-32. Permit required; fee. ^{EN}

The City Clerk is hereby authorized to issue to the highest bidders permits for the placing of such stands for the sale of newspapers, periodicals and refreshments within the area specified in this article. Not more than one stand or booth shall be erected, used or maintained under each separate permit. Such permits shall not be transferable.

§ 100-33. Littering and cleanliness.

No person shall throw, cast or lay or direct, suffer or permit any servant, agent, employee or person in his or her charge to throw, cast or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth or rubbish of any kind whatsoever in any park or public place.

§ 100-34. Selling restricted.

No person shall exhibit, sell or offer for sale anything whatsoever or perform any personal service for hire in any park or public place except under a permit from the City Clerk, or otherwise than in accordance with the terms of such permit; provided, however, that the provisions of this section shall not apply to public hack stands.

§ 100-35. Advertising and bill distribution.



CODE OF THE CITY OF YONKERS, NEW YORK (updated 05-16-2007, Supplement No. 101)
PART IX. PUBLIC PROPERTY AND STREETS
Chapter 100. PARKS AND PUBLIC PLACES
ARTICLE VI. Newsstands and Concessions [Adopted 5-22-1920 as G.O. No. 3-1920]
§ 100-35. Advertising and bill distribution.

No person shall post any bill, placard, notice or other paper upon any structure, tree, rock, article or thing within any park or public place or paint or fix thereon in any way any advertisement, notice or exhortation, except under permit and in strict conformity therewith. No person shall distribute, hand out or cast about any card, circular, pamphlet or printed matter within any park or upon any public place.

§ 100-36. Collection of fee.

The City Clerk shall, upon the issuing of each permit, collect the sum bid for such permit.

§ 100-37. Revocation of permit. ^{EN}

All permits issued pursuant to this article shall be revocable for good cause shown after notice to the permittee and an opportunity for the permittee to be heard. Permits issued by the City Clerk may be revoked by the City Clerk. Permits issued by the Commissioner of Public Works may be revoked by the Commissioner of Public Works.

§ 100-38. Form of permit. ^{EN}

The form of permit shall be as follows:

Permission is Hereby Given to

(Name)(No. and Street)

_____ residing at _____, Yonkers, New York, to maintain a stand or booth for the sale of newspapers, periodicals and refreshments (spirituous and malt liquor excepted) in or upon (Name of Park or Place) at such location therein or thereon as shall be designated by the Commissioner of Public Works of the City of Yonkers.

The holder of this permit to pay to the City Clerk of Yonkers the sum of _____ dollars, payable in advance.

CODE OF THE CITY OF YONKERS, NEW YORK (updated 05-15-2007, Supplement No. 11)
PART IX. PUBLIC PROPERTY AND STREETS
Chapter 100. PARKS AND PUBLIC PLACES
ARTICLE VI. Newsstands and Concessions [Adopted 6-22-1920 as G.O. No. 3-1920]
§ 100-38. Form of permit.

This permit is issued for but one stand or booth, is not transferable and is subject to all the ordinances of the City of Yonkers and the rules, orders and regulations of the Department of Public Works and the Police Department and the several bureaus thereof and is revocable at the pleasure of the Mayor, it being understood that upon any revocation a proportionate part of the aforesaid permit fee shall be repaid to the licensee.

Dated, Yonkers, New York _____
CITY OF YONKERS

(Signed)

By _____
City Clerk

§§ 100-39 through 100-41. (Reserved)

ARTICLE VII, Fishing in Grassy Sprain Reservoir [Adopted 3-11-1952 as G.O. No. 12-1952]

§ 100-42. Permit required; fee. [Amended 12-9-1952 by G.O. No. 32-1952]

The Commissioner of Public Works is hereby authorized and directed, upon payment of a fee of \$1 to the Comptroller, to issue a permit to any resident of the City of Yonkers making application therefor to fish in the Grassy Sprain Reservoir. Such permit may be issued to persons who have attained the age of 70 or are blind without payment of said fee. All permits shall be subject to the conditions and regulations set forth in 100-24 of this article and to the applicable provisions of any general, special or local law, this Code and any ordinance or regulation relating to the maintenance of said reservoir or to the taking of fish therefrom.

§ 100-43. Conditions and regulations.

